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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/143,583	08/31/1998	CHARLES EDWARD BOWERS	30-2138CIP2	3710

7590 12/03/2003

HONEYWELL INTERNATIONAL INC.  
15801 WOODS EDGE ROAD  
COLONIAL HEIGHTS, VA 23834

EXAMINER
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YAO, SAMCHUAN CUA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/143,583

Applicant(s)

BOWERS, CHARLES EDWARD

Examiner

Sam Chuan C. Yao

Art Unit

1733

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
 2. ☒ The proposed amendment(s) will not be entered because:  
 (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ they raise the issue of new matter (see Note below);  
 (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.  
 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
 7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.


The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-3, 14 and 15.Claim(s) withdrawn from consideration: 4-13.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
 9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
 10. ☐ Other: \_\_\_\_\_

  
 Sam Chuan C. Yao  
 Primary Examiner  
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Continuation of 2. NOTE: the proposed amendment to claim 1 significantly changes the scope of this claim, thereby requiring further search and/or consideration.

Continuation of 5. does NOT place the application in condition for allowance because: Counsel's arguments are not fully commensurate with the scope of the recited claims. As noted in item number 2, the proposed amendment to the claims was not entered. Also see the attached Examiner's remarks

**Remarks**

1. As for Counsel's arguments regarding the number of references, it is respectfully submitted that, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). More importantly, Stachlecker et al and Nomura et al were merely cited as further evidence and to rebut Counsel's assertion in the prior amendment dated 08-14-03, that the prior art, Queen et al in particular, discloses blending at a fiber level rather than at a yarn level. Since Counsel now agrees with Examiner that, Queen et al teaches spinning a group of cotton fibers and a group of binder fibers to form a blended yarn (i.e. blending is performed at a yarn level; see page 7 full paragraph 2), Stachlecker et al and Nomura et al are not needed in the rejection set forth in numbered paragraph 2. In response to Counsel's argument regarding the step of forming a blended yarn by ring spinning or wrap spinning bundle of base fibers and second fibers, this limitation would have been obvious in the art making a blended yarn taught by Queen et al for reasons of record set forth in the prior office action.

2. As for Counsel's argument regarding the Scott patent, Counsel is clearly contradicting Counsel's own block diagram shown in figure 3 which was provided in a prior amendment dated 08-14-03. Figure 3 clearly shows that, "*Texturized Binder Yarn*" and "*Base Fiber*" are wrap spun together to form a blended yarn.

3. Note: the submitted amendment does not comply with a revised amendment format. For instance, a complete text of withdrawn claims should be provided. Moreover, "*previously added*" is an incorrect/improper identifier.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff H Aftergut can be reached on (703) 308-2069. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2058.



Sam Chuan C. Yao  
Primary Examiner  
Art Unit 1733

Scy  
11-28-03